

# Exhibit “D”

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

|                                  |   |                                |
|----------------------------------|---|--------------------------------|
| IN RE: NEW ENGLAND COMPOUNDING   | ) | MDL NO. 2419                   |
| PHARMACY, INC. PRODUCT LIABILITY | ) | Master Dkt.: 1:13-md-02419-FDS |
| LITIGATION                       | ) |                                |

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AFFIDAVIT OF ALLEN BROOME, PHARM. D.

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1.

My name is Allen Broome, Pharm. D. I am over the age of majority and otherwise competent to give this Affidavit.

2.

I am employed at Erlanger Health System ("Erlanger") as the Director of Pharmacy. I have been employed at Erlanger as a pharmacist since 2006. As a result of my employment at Erlanger, I have personal knowledge of the information contained in this Affidavit.

3.

Attached as **Exhibit "A"** to this Affidavit is a true and correct copy of the Centers for Disease Control and Prevention website page printed on June 24, 2013, which lists the healthcare facilities which received the recalled lots of Methylprednisolone Acetate from NECC. Erlanger is not on the list.

4.

Erlanger did not receive any Methylprednisolone Acetate from New England Compounding Center ("NECC") at any time. As Erlanger did not receive any Methylprednisolone Acetate from NECC, Erlanger did not receive any portion of Lot #05212012@68, Lot #06292012@26 or Lot #08102012@51, which have since been recalled.

5.

Attached as **Exhibit “B”** to this Affidavit is a true and correct copy of the purchase history of all products Erlanger has received from NECC, to which I have access through the purchasing department. Erlanger has not received any Methylprednisolone Acetate, cardioplegia solution, ophthalmic solution or preservative-free saline solution from NECC. The listed medications also were not used to prepare cardioplegia solution, or as part of ophthalmic solution or preservative-free saline solution.

6.

Total parenteral nutrition (“TPN”) is a medical preparation comprised of more than one medication. NECC provided some medications which could have been a component of TPN, but there was not a sole vendor for those medications for adult patients. I am unable to determine if certain adult patients received TPN with some component medication(s) provided by NECC or whether the component medication(s) used in the TPN was from a vendor other than NECC.


7.

With respect to the medications listed in **Exhibit “B”**, methocarbamol, sodium phosphate, potassium phosphate, phytonadione, sodium acetate, and potassium chloride, Erlanger had more than one vendor for those medications for adult patients, during the time referenced on the NECC purchase list, **Exhibit “B”**. As with the previous paragraph, although some adult patients may have received medications listed in **Exhibit “B”** that were provided by NECC, I am unable to determine if certain adult patients in fact received the medication that was provided by NECC or whether the medication came from a vendor other than NECC.

8.

At Erlanger, the only way to identify the particular physician(s) who prescribed a particular medication is by reading through each of the medical charts of every patient who received that medication to determine which physician prescribed it. It would be very burdensome and expensive for Erlanger to identify the names of individual physicians who prescribed certain medications.

***FURTHER AFFIANT SAITH NOT.***



Allen Broome, Pharm. D.

STATE OF TENNESSEE \*

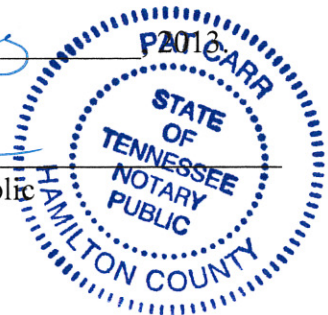
\*

COUNTY OF HAMILTON \*

Sworn to and subscribed before me this 3 day of July



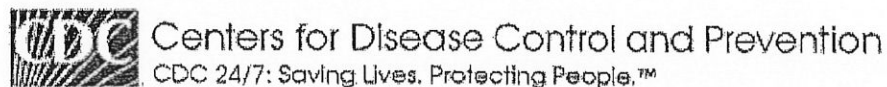
Notary Public



My Commission Expires: 8-5-14

# EXHIBIT “A”



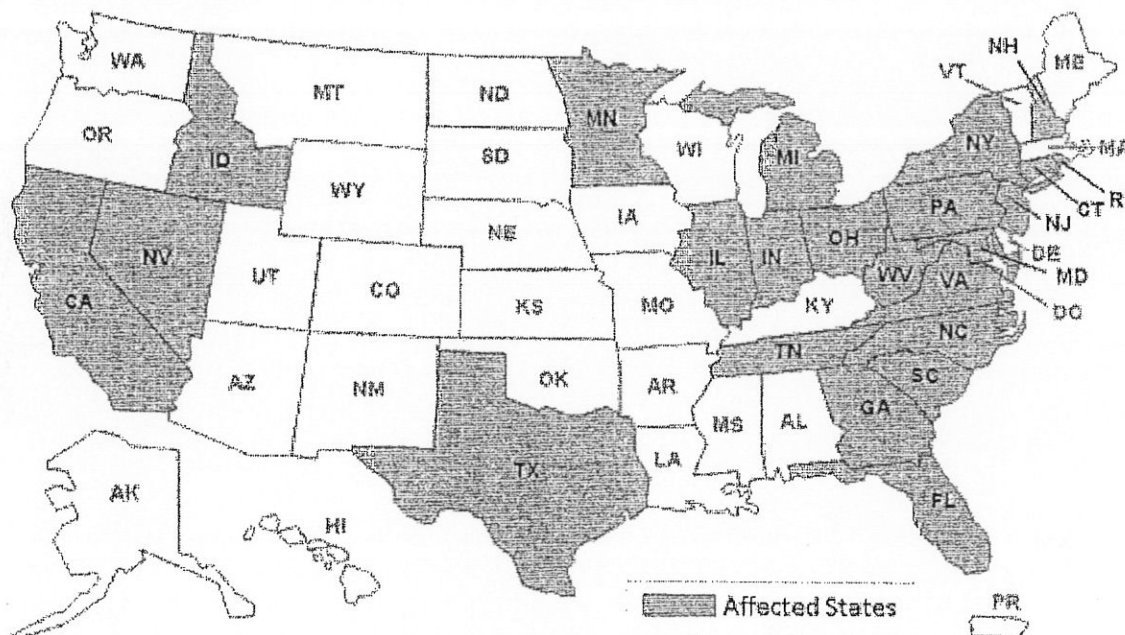


## Multistate Fungal Meningitis Outbreak: Healthcare Facilities

OCTOBER 18, 2012 4:30 PM EDT

Map of Healthcare Facilities that Received Three Recalled Lots (#facilities lots)\* of Methylprednisolone Acetate (PF) from New England Compounding Center on September 26, 2012

See table (#facilities table) for a complete list of health care facilities.



[\(/hai/outbreaks/meningitis-facilities-map-large.html\)](http://hai/outbreaks/meningitis-facilities-map-large.html)  
 [See Larger Map ([/hai/outbreaks/meningitis-facilities-map-large.html](http://hai/outbreaks/meningitis-facilities-map-large.html))]

### \*Recalled Lots of MPA

Lot #05212012@68, BUD 11/17/2012  
 Lot #06292012@26, BUD 12/26/2012  
 Lot #08102012@51, BUD 2/6/2013

List of Healthcare Facilities that Received Lots of Methylprednisolone Acetate (PF) Recalled from New England Compounding Center on September 26, 2012

| Facility Name                 | Phone Number | City    | State |
|-------------------------------|--------------|---------|-------|
| <b>California</b>             |              |         |       |
| CYPRESS SURGERY CENTER        | 559-740-4094 | VISALIA | CA    |
| ENCINO OUTPATIENT SURGICENTER | 818-986-1037 | ENCINO  | CA    |



|   |                              |                       |          |
|---|------------------------------|-----------------------|----------|
| UKIAH VALLEY MEDICAL CENTER                                 | 707-463-7345                 | UKIAH                 | CA       |
| UNIVERSAL PAIN MANAGEMENT                                   | 661-267-6876<br>x166         | PALMDALE              | CA       |
| <b>Connecticut</b>  |                              |                       |          |
| INTERVENTIONAL SPINE AND SPORTS<br>MED                      | 203-598-7246                 | MIDDLEBURY            | CT       |
| <b>Florida</b>  |                              |                       |          |
| FLORIDA PAIN CLINIC   | 352-237-5906                 | OCALA                 | FL       |
| INTERVENTIONAL REHABILITATION<br>CENTER                     | 850-484-8800                 | PENSACOLA             | FL       |
| MARION PAIN MANAGEMENT CENTER                               | 352-622-1845                 | OCALA                 | FL       |
| NORTH COUNTY SURGICENTER                                    | 561-626-6446                 | PALM BEACH<br>GARDENS | FL       |
| ORLANDO CENTER FOR OUTPATIENT<br>SURGERY                    | 407-426-8331                 | ORLANDO               | FL       |
| PAIN CONSULTANTS OF WEST FLORIDA<br>SURGERY CENTER OF OCALA | 850-494-0000<br>352-237-5906 | PENSACOLA<br>OCALA    | FL<br>FL |
| SURGICAL PARK CENTER  | 305-271-9100<br>x226         | MIAMI                 | FL       |
| <b>Georgia</b>  |                              |                       |          |
| FORSYTH STREET AMBULATORY<br>SURGURY CENTER                 | 478-749-1610                 | MACON                 | GA       |
| <b>Idaho</b>  |                              |                       |          |
| PAIN SPECIALISTS OF IDAHO                                   | 208-522-7246                 | IDAHO FALLS           | ID       |
| WALTER KNOX MEMORIAL HOSPITAL                               | 208-365-3561<br>x3342        | EMMETT                | ID       |
| <b>Illinois</b>   |                              |                       |          |
| APAC CENTERS FOR PAIN MANAGEMENT                            | 708-483-7007                 | WESTCHESTER           | IL       |
| APAC CENTERS FOR PAIN MANAGEMENT                            | 773-935-2760                 | CHICAGO               | IL       |
| THOREK MEMORIAL HOSPITAL                                    | 773-975-6734                 | CHICAGO               | IL       |
| <b>Indiana</b>  |                              |                       |          |
| AMBULATORY CARE CENTER LLC                                  | 812-475-1800                 | EVANSVILLE            | IN       |
| FORT WAYNE PHYSICAL MEDICINE                                | 260-436-9337                 | FORT WAYNE            | IN       |
| OSMC OUTPATIENT SURGERY CENTER                              | 574-266-4173                 | ELKHART               | IN       |
| SOUTH BEND CLINIC   | 574-237-9372                 | SOUTH BEND            | IN       |
| UNION HOSPITAL  | 812-238-4964                 | TERRE HAUTE           | IN       |
| WELLSPRING  | 812-376-0700                 | COLUMBUS              | IN       |
| <b>Maryland</b>   |                              |                       |          |
| BALTIMORE PAIN MANAGEMENT                                   | 410-682-5040                 | BALTIMORE             | MD       |
| BERLIN INTERVENTIONAL PAIN<br>MANAGEMENT                    | 410-641-3759                 | BERLIN                | MD       |
| BOX HILL SURGERY CENTER                                     | 410-877-8141                 | ABINGDON              | MD       |
| GREENSPRING SURGERY CENTER                                  | 410-653-0077                 | BALTIMORE             | MD       |



|                           |              |          |    |
|---------------------------|--------------|----------|----|
| HARFORD COUNTY ASC, LLC   | 410-538-7000 | EDGEWOOD | MD |
| PAIN MEDICINE SPECIALISTS | 410-825-6945 | TOWSON   | MD |
| SURGCENTER OF BEL AIR     | 410-638-5523 | BEL AIR  | MD |

### Michigan

|                                      |              |               |    |
|--------------------------------------|--------------|---------------|----|
| MICHIGAN NEUROSURGICAL INSTITUTE     | 810-606-7112 | GRAND BLANC   | MI |
| MICHIGAN PAIN SPECIALISTS            | 734-995-7246 | BRIGHTON      | MI |
| NEUROMUSCULAR & REHABILITATION       | 231-935-0860 | TRAVERSE CITY | MI |
| SOUTHEAST MICHIGAN SURGICAL HOSPITAL | 586-427-1000 | WARREN        | MI |

### Minnesota

|                                    |                      |             |    |
|------------------------------------|----------------------|-------------|----|
| MAPS-EDINA MEDICAL PAIN CLINIC     | 763-537-6000         | MINNEAPOLIS | MN |
| MAPS-MEDICAL ADVANCED PAIN         | 763-537-6000         | FRIDLEY     | MN |
| MEDICAL ADVANCED PAIN SPECIALISTS  | 763-537-6000<br>x238 | SHAKOPEE    | MN |
| MEDICAL ADVANCED PAIN SPECIALISTS. | 763-537-6000         | MAPLE GROVE | MN |
| MINNESOTA SURGERY CENTER           | 763-767-7139         | EDINA       | MN |
| MINNESOTA SURGERY CENTER-          | 763-537-6000         | MAPLE GROVE | MN |

### North Carolina

|                                   |              |            |    |
|-----------------------------------|--------------|------------|----|
| HIGH POINT SURGERY                | 336-878-6048 | HIGH POINT | NC |
| NORTH CAROLINA ORTHOPAEDIC CLINIC | 919-403-5148 | DURHAM     | NC |
| SURGERY CENTER OF WILSON          | 252-237-5649 | WILSON     | NC |

### New Hampshire

|  |              |             |    |
|--|--------------|-------------|----|
| DR. O'CONNELL'S PAIN CARE CENTER       | 603-335-5070 | MERRIMACK   | NH |
| DR. O'CONNELL'S PAIN CARE CENTERS, INC | 603-692-3166 | SOMERSWORTH | NH |

### New Jersey

|   |              |                  |    |
|---|--------------|------------------|----|
| CENTRAL JERSEY ORTHOPEDICS SPECIALISTS PC | 908-561-2122 | SOUTH PLAINFIELD | NJ |
| EDISON SURGICAL CENTER                    | 732-452-0123 | EDISON           | NJ |
| IF PAIN ASSOCIATES / ISAAH FLORENCE       | 201-287-1100 | TEANECK          | NJ |
| PREMIER ORTHOPEDICS SURG. ASSOC., LLC     | 856-690-1750 | VINELAND         | NJ |
| COMPREHENSIVE PAIN MANAGEMENT             | 973-796-5216 | SPARTA           | NJ |
| SOUTH JERSEY HEALTH CARE                  | 856-363-1558 | ELMER            | NJ |
| SOUTH JERSEY HEALTHCARE                   | 856-641-7557 | VINELAND         | NJ |

### Nevada\*\*

|                       |              |           |    |
|-----------------------|--------------|-----------|----|
| SAHARA SURGERY CENTER | 702-362-7874 | LAS VEGAS | NV |
|-----------------------|--------------|-----------|----|

### New York

|                                |              |              |    |
|--------------------------------|--------------|--------------|----|
| BUTANI, SUNIL H., PHYSICIAN PC | 516-747-5042 | MINEOLA      | NY |
| OBOSA MEDICAL SERVICES         | 914-530-2323 | MOUNT VERNON | NY |
| ROCHESTER BRAIN AND SPINE      | 585-334-5560 | ROCHESTER    | NY |

### Ohio



|   |                      |                 |    |
|---|----------------------|-----------------|----|
| BKC PAIN SPECIALISTS, LLC               | 740-387-7246         | MARION          | OH |
| CINCINNATI PAIN MANAGEMENT              | 513-891-0022         | CINCINNATI      | OH |
| MARION PAIN CLINIC                      | 740-375-0200         | MARION          | OH |
| ORTHO-SPINE REHABILITATION CENTER, INC. | 614-793-8817         | DUBLIN          | OH |
| <b>Pennsylvania</b>                     |                      |                 |    |
| ALLEGHENY PAIN MANAGEMENT               | 814-940-2000         | ALTOONA         | PA |
| SOUTH HILLS PAIN & REHAB ASSOCIATES     | 412-469-7722         | JEFFERSON HILLS | PA |
| <b>Rhode Island</b>                     |                      |                 |    |
| NEW ENGLAND ANESTHESIOLOGY (NEA)        | 401-490-7530         | WARWICK         | RI |
| OCEAN STATE PAIN MANAGEMENT             | 401-766-7700         | WOONSOCKET      | RI |
| OCEAN STATE PAIN MANAGEMENT             | 401-884-6070         | EAST GREENWICH  | RI |
| <b>South Carolina</b>                   |                      |                 |    |
| INTERVENE MD                            | 843-216-4844         | MOUNT PLEASANT  | SC |
| <b>Tennessee</b>                        |                      |                 |    |
| PCA PAIN CARE CENTER                    | 865-835-5196         | OAK RIDGE       | TN |
| SPECIALTY SURGERY CENTER                | 931-484-2500<br>x125 | CROSSVILLE      | TN |
| ST. THOMAS OUTPATIENT NEUROSURGICAL     | 615-341-3425         | NASHVILLE       | TN |
| <b>Texas</b>                            |                      |                 |    |
| DALLAS BACK PAIN MANAGEMENT             | 214-445-5077         | DALLAS          | TX |
| HARRIS METHODIST SOUTHLAKE CENTER       | 817-748-8778         | SOUTHLAKE       | TX |
| <b>Virginia</b>                         |                      |                 |    |
| INSIGHT IMAGING-ROANOKE                 | 540-581-0882         | ROANOKE         | VA |
| NEW RIVER VALLEY SURGERY CENTER         | 540-639-5888         | CHRISTIANSBURG  | VA |
| <b>West Virginia</b>                    |                      |                 |    |
| PARS INTERVENTIONAL PAIN                | 304-865-7277         | PARKERSBURG     | WV |

\*\* All vials of methylprednisolone acetate that were sent to Nevada were recalled prior to use.

Page last reviewed: October 18, 2012

Page last updated: January 16, 2013

Content source: Centers for Disease Control and Prevention

National Center for Emerging and Zoonotic Infectious Diseases (NCEZID)

Division of Healthcare Quality Promotion (DHQP)

Centers for Disease Control and Prevention 1600 Clifton Rd. Atlanta, GA  
 30333, USA  
 800-CDC-INFO (800-232-4636) TTY: (888) 232-6348 - Contact CDC-INFO



# EXHIBIT “B”



Ord for vendor

25

| PO No.     | Line | PO Date    | Vendor | Name | Item                | UOM | Conversion to Std UOM | More Info                               | Vnd Itm ID   | Mfg Itm ID   | PO Qty   | Amount   | Doc  |
|------------|------|------------|--------|------|---------------------|-----|-----------------------|---|--------------|--------------|----------|----------|------|
| 0000276714 | 1    | 2/22/2011  | 83282  | NECC |                     | EA  | 1                     | METHOCARBAMOL 500MG/100ML BAG           | 999999000056 | 999999000056 | 100.0000 | 2300.000 | 7071 |
| 0000279658 | 1    | 3/17/2011  | 83282  | NECC | 0000000000000126822 | EA  | 1                     | METHOCARBAMOL, 500MG/100ML BAG          | 999999000056 | 999999000056 | 50.0000  | 1150.000 | 7071 |
| 0000280004 | 1    | 3/21/2011  | 83282  | NECC | 0000000000000126822 | EA  | 1                     | METHOCARBAMOL, 500MG/100ML BAG          | 999999000056 | 999999000056 | 25.0000  | 575.000  | 7071 |
| 0000281226 | 1    | 3/30/2011  | 83282  | NECC | 0000000000000126822 | EA  | 1                     | METHOCARBAMOL, 500MG/100ML BAG          | 999999000056 | 999999000056 | 75.0000  | 1725.000 | 7071 |
| 0000281570 | 1    | 4/4/2011   | 83282  | NECC | 0000000000000126822 | EA  | 1                     | METHOCARBAMOL, 500MG/100ML BAG          | 999999000056 | 999999000056 | 25.0000  | 575.000  | 7071 |
| 0000282452 | 1    | 4/11/2011  | 83282  | NECC | 0000000000000126822 | EA  | 1                     | METHOCARBAMOL, 500MG/100ML BAG          | 999999000056 | 999999000056 | 50.0000  | 1150.000 | 7071 |
| 0000283247 | 1    | 4/18/2011  | 83282  | NECC | 0000000000000126822 | EA  | 1                     | METHOCARBAMOL, 500MG/100ML BAG          | 999999000056 | 999999000056 | 50.0000  | 1150.000 | 7071 |
| 0000290401 | 1    | 6/14/2011  | 83282  | NECC | 0000000000000126822 | EA  | 1                     | SODIUM PHOSPHATE 3MM/ML 30ML            | 999999000056 | 999999000056 | 100.0000 | 3000.000 | 7071 |
| 0000293167 | 1    | 7/7/2011   | 83282  | NECC |                     | EA  | 1                     | Potassium Phosphate 3mmol/ml            |              |              | 75.0000  | 2625.000 | 7072 |
| 0000295367 | 1    | 7/22/2011  | 83282  | NECC |                     | EA  | 1                     | Potassium Phosphate 3 mmol/ml           |              |              | 75.0000  | 2625.000 | 7072 |
| 0000295367 | 2    | 7/22/2011  | 83282  | NECC |                     | EA  | 1                     | Sodium Phosphate 3 mmol/ml              |              |              | 75.0000  | 2625.000 | 7072 |
| 0000301540 | 1    | 9/12/2011  | 83282  | NECC |                     | EA  | 1                     | SODIUM PHOSPHATE 3MM/ML 30ML            |              |              | 100.0000 | 3500.000 | 7072 |
| 0000310044 | 1    | 11/18/2011 | 83282  | NECC |                     | EA  | 1                     | PHYTONADIONE 2MG/ML 1ML VL              | 99600010386  | 99600010386  | 100.0000 | 1200.000 | 7072 |
| 0000310370 | 1    | 11/22/2011 | 83282  | NECC |                     | EA  | 1                     | PHYTONADIONE 2MG/1ML VL                 | 99600010386  | 99600010386  | 100.0000 | 1200.000 | 7072 |
| 0000331027 | 1    | 5/11/2012  | 83282  | NECC | 0000000000000126822 | EA  | 1                     | METHOCARBAMOL, 500MG/100ML BAG          | 999999000056 | 999999000056 | 60.0000  | 1380.000 | 7072 |
| 0000332930 | 1    | 5/29/2012  | 83282  | NECC | 0000000000000126822 | EA  | 1                     | METHOCARBAMOL, 500MG/100ML BAG          | 999999000056 | 999999000056 | 90.0000  | 2070.000 | 7072 |
| 0000334281 | 1    | 6/7/2012   | 83282  | NECC |                     | EA  | 1                     | Sodium Acetate 2 mEq/ml -- 50ml syringe |              |              | 100.0000 | 2500.000 | 7072 |
| 0000334281 | 2    | 6/7/2012   | 83282  | NECC |                     | EA  | 1                     | Sodium Acetate 2 mEq/ml -- 100ml bag    |              |              | 50.0000  | 1750.000 | 7072 |
| 0000336412 | 1    | 6/25/2012  | 83282  | NECC | 0000000000000126822 | EA  | 1                     | METHOCARBAMOL, 500MG/100ML BAG          | 999999000056 | 999999000056 | 75.0000  | 1725.000 | 7072 |
| 0000337462 | 1    | 7/2/2012   | 83282  | NECC |                     | EA  | 1                     | Potassium Chloride 30ml vial            |              |              | 75.0000  | 1725.000 | 7072 |
| 0000337462 | 2    | 7/2/2012   | 83282  | NECC |                     | EA  | 1                     | Potassium Chloride 100ml bag            |              |              | 100.0000 | 2800.000 | 7072 |
| 0000340844 | 1    | 7/31/2012  | 83282  | NECC |                     | EA  | 1                     | POTASSIUM CHLORIDE 2MEQ/ML 100ML BAG    |              |              | 100.0000 | 2800.000 | 7072 |
| 0000340844 | 2    | 7/31/2012  | 83282  | NECC |                     | EA  | 1                     | POTASSIUM CHLORIDE 2MEQ/ML 30ML VIAL    |              |              | 100.0000 | 2300.000 | 7072 |
| 0000342443 | 1    | 8/13/2012  | 83282  | NECC |                     | EA  | 1                     | Potassium chloride 100ml bag            |              |              | 100.0000 | 2800.000 | 7072 |
| 0000342443 | 2    | 8/13/2012  | 83282  | NECC |                     | EA  | 1                     | Potassium chloride 30ml vial            |              |              | 75.0000  | 1725.000 | 7072 |